

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

**JIMMY D. STEVENS,**

**Plaintiff,**

**v.**

**STATE OF OKLAHOMA et al.,**

**Defendants.**

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**Case No. CIV-13-1375-HE**

**REPORT AND RECOMMENDATION**

Plaintiff Jimmy D. Stevens, a pro se prisoner, initially submitted his Complaint (Doc. No. 1) and Application to Proceed *In Forma Pauperis* (“IFP Application,” Doc. No. 2) in the United States District Court for the Western District of Arkansas. On December 31, 2013, that court transferred Plaintiff’s case to this court. *See* Doc. No. 3.

On January 3, 2014, the Court found Plaintiff’s filings deficient and ordered that Plaintiff cure these deficiencies no later than February 3, 2014. *See* Order (Doc. No. 7). The Court first found that Plaintiff’s Complaint and IFP Application were almost entirely illegible, *see* LCvR 5.2(a), 9.2(a). Further, the Court found that Plaintiff’s IFP Application failed to meet numerous statutory and local rule requirements and did not permit the Court to determine Plaintiff’s eligibility to proceed without prepayment of fees and costs. *See* Order at 1-2.

The Court ordered these filings stricken and directed Mr. Stevens to file a typed or legible amended complaint on the Court’s approved 42 U.S.C. § 1983 form no later than February 3, 2014. Plaintiff further was directed to either submit a new, legible application to proceed *in forma pauperis*, with the required financial certifications and

account statements attached, or pay the \$400.00 filing fee, no later than February 3, 2014. The Court's Order specifically advised: "Failure to comply with this Order may result in the dismissal of this action." *See* Order at 3.


As of the present date, Plaintiff has not taken any action and, specifically, has not filed a legible complaint, paid the filing fee, filed a legible and proper *in forma pauperis* application, or requested an extension of time to comply with the deadline. The undersigned therefore recommends dismissal of this action without prejudice. *See* LCvR 3.3(e), 3.4(a).

#### NOTICE OF RIGHT TO OBJECT

Plaintiff is advised of his right to file an objection to this Report and Recommendation with the Clerk of this Court by March 5, 2014, in accordance with 28 U.S.C. § 636 and Federal Rule of Civil Procedure 72. Plaintiff further is advised that failure to timely object to this Report and Recommendation would waive the right to appellate review of both factual and legal issues contained herein. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

This Report and Recommendation disposes of all issues referred to the undersigned in the present case.

ENTERED this 12th day of February, 2014.



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CHARLES B. GOODWIN  
UNITED STATES MAGISTRATE JUDGE